

The Honorable Barbara J. Rothstein

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

v.

BETSY DeVOS, in her official capacity as
Secretary of the United States Department of
Education; and the UNITED STATES
DEPARTMENT OF EDUCATION, a federal
agency,

Defendants.

NO. 2:20-cv-01119-BJR

NOTICE OF PENDENCY OF
OTHER ACTION

Pursuant to LCR 3(h), Plaintiff State of Washington submits this Notice of Pendency of Other Action.

Council of Parent Attorneys and Advocates, Inc. v. DeVos, et al., No. 1:20-cv-02310 (United States District Court for the District of Maryland)

On August 10, 2020, the Council of Parent Attorneys and Advocates, Inc. (COPAA) filed a lawsuit against Secretary DeVos and the Department of Education (Department) in the United States District Court for the District of Maryland. The plaintiff challenges the Department's interim final rule of July 1, 2020, relating to the funding of services under section 18005 of the CARES Act. The plaintiff seeks declaratory and injunctive relief based on violations of the Administrative Procedure Act. The plaintiff does not raise constitutional claims.

COPAA is not a plaintiff in Washington's case before this Court, and COPAA is not a direct recipient of emergency funding under sections 18002 or 18003 of the CARES Act.

1 Washington submits that transfer should not be effected pursuant to 28 U.S.C. § 1407
 2 (Multi District Litigation Procedures). Transfer of this proceeding to a different jurisdiction
 3 would inconvenience the parties and witnesses, who all, for Washington's case, reside in this
 4 Court's jurisdiction. Given the more advanced procedural posture in this case (*i.e.*, briefing has
 5 been completed and a hearing has been held on Washington's motion for preliminary injunction),
 6 and the fact that COPAA has not yet moved for a preliminary injunction, transfer would unduly
 7 delay Washington's case. Coordination between the actions would not avoid conflicts, conserve
 8 resources, or promote a just or efficient determination of the action pending before this Court.

9 DATED this 17th day of August, 2020.

10 ROBERT W. FERGUSON
 11 Attorney General

12 *s/ Paul M. Crisalli*

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